

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The title has been objected to as not being descriptive; the disclosure has been objected to as containing informalities; Claim 16 has been rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite; Claims 1, 3, 4 and 5 have been rejected under 35 U.S.C. § 102 as being anticipated by Fukushi; Claims 1-4 have been rejected under 35 U.S.C. § 102 as being anticipated by Shore; Claims 1-3 and 15 have been rejected under 35 U.S.C. § 102 as being anticipated by JP 2000-326996 (hereinafter JP '996); Claim 6 has been rejected under 35 U.S.C. § 103 as being unpatentable over Shore in view of Yuter; Claim 7 has been rejected under 35 U.S.C. § 103 as being unpatentable over Shore in view of Yutaka; Claim 8 has been rejected under 35 U.S.C. § 103 as being unpatentable over Fukushi in view of Cvacho; and Claim 16 has been rejected under 35 U.S.C. § 103 as being unpatentable over Fukushi in view of Ashton. New Claim 17 has been added while former Claims 1 and 9-14 have been canceled, without prejudice and thus, Claims 2-8 and 15-17 remain active.

Considering first then the Examiner's objection to the title of the invention, such has now been amended for closer compliance with U.S. patent practice and procedure.

Next considering then the objection to the disclosure as containing informalities regarding the figure descriptions, it is to be noted that such figure descriptions have now been appropriately amended.

Considering next then the rejection of Claim 16 under 35 U.S.C. § 112, second paragraph, as being vague and indefinite, it is to be noted that Claim 16 has now been amended for closer compliance with 35 U.S.C. § 112.

Next considering then the rejection of Claims 1, 3, 4 and 5 under 35 U.S.C. § 102 as being anticipated by Fukushi, the rejection of Claims 1-4 under 35 U.S.C. § 102 as being anticipated by Shore, and the rejection of Claims 1-3 and 15 under 35 U.S.C. § 102 as being anticipated by JP '996, it is to be noted that Claim 1 has now been cancelled and Claim 2 has been amended to include the limitation that the bag includes a lateral edge having a folded back hem seal formed by heat-sealing and that the wire-like member is disposed inside a fused joint of a folded back hem seal wherein the vertical wire-like member is disposed inside the folded back hem seal joint so as to leave a space from a fused portion of said joint. The limitations added find support in the specification, for example, at page 2, lines 16-19 and page 18 lines 8-28 for the folded back hem seal. In addition, page 28, lines 1-10 and the figures discuss and show, respectively a spacing between the fused portion of the joint and the wire. Page 28, lines 1-10 discuss the advantages with respect to the limitations added to Claim 2 that, by having a small space from the surrounding fused portion, the vertical wire-like member is allowed to make small movements inside the fused joint. The structure makes it possible to prevent fusion bonding between the wire-like member and the sheet material and to prevent the tendency of breaking the sheet material around the vertical wire-like member. Since the space is formed for allowing the wire-like member to move around, the silhouettes of the wire-like member does not stand out in relief so as to thus provide an improved appearance.

With respect to the above-noted references, it is to be noted that Fukushi discloses from the second line from the bottom of page 1 to the sixth line of page 2 of the specification as follows:

A soft metal core (3) such as a wire is widthwise arranged on an opening edge (2) of a bag (1) and fixed by covering a folding edge (2)' of the opening edge (2) over it. Thus, the metal core (3) is disposed in parallel with the upper fringe of the opening. As shown by Fig. 1, the both sides (3)' (3)' of the metal core (3) can be bent down along the both lateral sides (4)

(4) thereby to fix the metal core (3) to the main body.
Alternatively, it is possible to attach it separately.

Thus, Fukushi only discloses that the metal core (3) is to be fixed by the folding edge (2)', and does not suggest the claimed requirements of amended Claim 2 of "the wire-like member being disposed inside the fused joint of the hem seal with a non-fused portion left between the wire-like member and the surrounding fused portion of the hem seal, a small space in which the wire-like member is allowed to move being provided around the wire-like member".

Shore discloses a bag having rods 30 in the tubular members 25, etc. However, the rods 30 are arranged inside the tubular members 25, etc., providing no spaces, which structure does not suggest the claimed requirements of amended Claim 1 of "the wire-like member being disposed inside...allowed to move being provided around the wire-like member". In addition, the rod disclosed in Shore is not a plastically deformable wire-like member but a stick-like member, and is to be removed before sealing the opening of the bag (see column 3, lines 46-48). Consequently, the rod of Shore is not equivalent to the wire-like member of amended Claim 2 of the present application.

According to JP 2000-326996A, a core member is bonded to a bag (sheet member) providing no spaces.

In view of the foregoing, it is submitted that Claim 2, as well as all claims dependent therefrom clearly patentably define over the above-noted references as well as the remaining references of record. In this regard, it is noted that each of the claims dependent upon Claim 2 contain additional limitations having no corresponding teaching or disclosure in the prior art of record.

Next considering then the rejection of Claim 6 under 35 U.S.C. § 103 as being unpatentable over Shore in view of Yuter, the rejection of Claim 7 under 35 U.S.C. § 103 as being unpatentable over Shore in view of Yutaka, the rejection of Claim 8 under 35 U.S.C.

§ 103 as being unpatentable over Fukushi in view of Cvacho, and the rejection of Claim 16 under 35 U.S.C. § 103 as being unpatentable over Fukushi in view of Ashton, it is respectfully submitted that neither Yuter, Yutaka, Cvacho nor Ashton rectify the deficiencies noted hereinabove with regard to the references mentioned above. In view of this and in view of the fact that the claims have now been amended for compliance with U.S. patent practice, it is submitted that Claim 2 and the claims dependent therefrom all now merit indication of allowability.

Applicants further note that new Claim 17 has been added which is directed to the embodiment shown, for example, in Figure 18 and claims a rectangular projection which extends across the side face of the bag for maintaining a rectangular shape of the bag when opened, the importance of which is explained at page 28, line 11 through page 29, line 11 of the specification. Insofar as the prior art has no corresponding teaching or disclosure of a rectangular projection as now claimed, it is submitted that Claim 17 also now merits indication of allowability.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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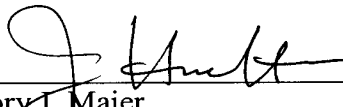
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